

HOUSE BILL No. 1066

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-22.

Synopsis: Spotlighting wild animals. Provides that a person who, between October 1 and January 15, shines a spotlight, searchlight, or other artificial light on a wild animal for the purpose of locating a wild animal commits a Class C infraction. Establishes certain exceptions. Requires a court to revoke a person's hunting, fishing, and trapping licenses for two years if the person commits a second violation of the statute prohibiting the shining of artificial lights on wild animals. Provides that a law enforcement officer who witnesses a person in a vehicle shining a light on a wild bird or wild animal in a prohibited manner may search the vehicle for a firearm, bow, or crossbow. Allows a court to revoke certain fish and wildlife licenses for two years for a violation of a wildlife protection law.

Effective: July 1, 2006.

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January 4, 2006, read first time and referred to Committee on Natural Resources.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1066

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-22-6-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A person may not
3 knowingly throw or cast the rays of any spotlight or other artificial
4 light:
5 (1) not required by law on a motor vehicle; and
6 (2) in search of or upon any wild bird or wild animal;
7 from a vehicle while the person possesses a firearm, bow, or crossbow,
8 if by throwing or casting the rays a wild bird or wild animal could be
9 killed. This subsection applies even though the animal is not killed,
10 injured, shot at, or otherwise pursued.
11 (b) A person may not take any wildlife, except furbearing mammals,
12 with the aid of illumination of any spotlight, searchlight, or other
13 artificial light.
14 (c) A person may not shine a spotlight, searchlight, or other artificial
15 light for the purpose of taking, attempting to take, or assisting another
16 person to take a deer.
17 (d) A person who, after September 30 and before January 16,

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shines a spotlight, searchlight, or other artificial light on a wild animal for the purpose of locating a wild animal commits a Class C infraction. This subsection does not apply to the following:

(1) The shining of a vehicle's head lights on a wild animal while the vehicle is operated in a lawful manner on a street, highway, or roadway.

(2) A person using a spotlight, searchlight, or other artificial light on property owned or leased by that person or by a member of that person's immediate family.

(3) An employee while in the performance of the employee's lawful duties.

(e) In addition to any other penalty allowed under this article, if a court:

(1) convicts or enters judgment against a person for a violation of this section; and

(2) determines that the person has a prior unrelated conviction or judgment under this section;

the court shall revoke the person's hunting, fishing, and trapping licenses for two (2) years.

(f) A law enforcement officer who witnesses a person in a vehicle shining a spotlight, searchlight, or other artificial light on a wild bird or wild animal in a manner prohibited by this section may search the vehicle for a firearm, bow, or crossbow.

SECTION 2. IC 14-22-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) Each license and permit issued under this article is issued upon the express condition, to which the licensee or permittee by acceptance of the license or permit is considered to agree and consent, that the licensee or permittee will obey and comply with the following:

(1) All the terms, conditions, and rules:

(A) made by the director under this article; and

(B) incorporated in or attached to the license or permit when issued.

(2) This article.

(3) A wildlife law (as defined by IC 14-22-41-4(p)) while the licensee is in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(b) A license or permit may be revoked by the director at any time without refund for any of the following:

(1) Failure to comply with or violation of the terms, conditions, rules, or restrictions incorporated in or attached to the license or permit when issued.

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(2) Violation of this article.

(3) Violation of a wildlife law (as defined by IC 14-22-41-4(p)) while the licensee is in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(c) A person whose license or permit has been revoked by the director under this article may, by written request to the director, have a hearing on the revocation. Upon receipt of written request for a hearing on the revocation, the director shall do the following:

(1) Set a date for the hearing, which may not be more than fifteen (15) days from the date of receipt of the request.

(2) Give the person requesting the hearing at least five (5) days notice of the date of the hearing, which shall be held in the office of the director.

(3) Receive and keep a record of all evidence presented by the person.

(4) After considering the evidence presented at the hearing, rescind or affirm the order revoking the license or permit.

(d) Every court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may, at the court's discretion, revoke the license of the offender for any of the following periods:

(1) Thirty (30) days.

(2) Sixty (60) days.

(3) Ninety (90) days.

(4) One (1) year.

(5) Two (2) years.

(e) After a revocation, the court shall forward to the division a record of the conviction of the person in the court for a violation of the law. At the time of the conviction, the court shall do the following:

(1) Obtain the license certificate of the defendant.

(2) Return the license certificate to the division.

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